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PATENT  
Atty. Docket No. 217416US-2S DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
Shuichi HISATOMI, et al. : EXAMINER: Not Yet Assigned  
SERIAL NO. 10/058,079 : GROUP ART UNIT: 2615  
FILED: January 29, 2002 :  
FOR: RECORDING MEDIUM, :  
PLAYBACK APPARATUS AND :  
RECORDING/PLAYBACK :  
APPARATUS THEREOF :

RECEIVED  
OCT 03 2002  
Technology Center 2600

PETITION TO MAKE SPECIAL UNDER MPEP § 708.02(VIII)

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

**I. Basis for the Petition**

Pursuant to MPEP § 708.02(VIII) (8<sup>th</sup> ed. 2001), Applicants hereby petition  
for a special status for this Application.

**II. Requirements for Granting Special Status**

MPEP § 708.02(VIII) established five requirements for a grant of special  
status. The following subsections show that each of these five requirements is  
satisfied in the above-identified case.

**A. Submit Petition and Fee: § 708.01(VIII)(A)**

This petition is accompanied by the fee set forth in 37 C.F.R. § 1.17(h).

**B. Agree to an Election Without Traverse: § 708.02(VIII)(B)**

Applicants submit that pending Claims 14-17 are directed to a single, patentable invention. If a restriction requirement is imposed in this Application, Applicants agree to elect without traverse.

**C. State that a Preexamination Search was Made: § 708.02(VIII)(C)**

Further, Applicants conducted a supplemental search of the PATOLIS (Patent Online Information System) in support of a request for expedited examination submitted to the Japanese Patent Office for Applicants' related Japanese application (Japanese Patent Application No. JP 2001-270250), so as to identify other prior art that may not have been found in the above-identified Histomi search. Results of this supplemental search are identified in Applicants' petitions for accelerated examination submitted to the Japanese Patent Office. The search methodology used for the supplemental search entailed the use of the following keywords play list/user-defined PGC, entry point, primary text, item text, movie AV file information, still picture video object group, time map information, VOB entry, management information, moving and still. The field of search included all Japanese Patent and Utility models from January 1, 1990 to January 21, 1998.

The present application claims, in relevant part, a recordable/playback recording medium include an object recording area for recording an object of either video data or audio data, and a control information recording area. The control information recording area includes a first area where program chain information

respectively associated with programs is recorded. The first area includes a second area where a plurality of cell information respectively associated with the plurality of program chain information is recorded. The program chain information includes a playback order of the object units. The second area includes a third area where program information is recorded. The third area includes a fourth area where specific image position information is recorded. The fourth area includes a fifth area where cell numbers associated with the specific images are recorded.

Further, Applicants conducted a supplemental search of the PATOLIS (Patent Online Information System) in support of a request for expedited examination submitted to the Japanese Patent Office for Applicants' related Japanese application (Japanese Patent Application No. JP 2001-270250), so as to identify other prior art that may not have been found in the above-identified Histomi search. Results of this supplemental search are identified in Applicants' petitions for accelerated examination submitted to the Japanese Patent Office. The search methodology used for the supplemental search entailed the use of the following keywords play list/user-defined PGC, entry point, primary text, item text, movie AV file information, still picture video object group, time map information, VOB entry, management information, moving and still. The field of search included all Japanese Patent and Utility models from January 1, 1990 to January 21, 1998.

Together, these searches qualify as a pre-examination search for the present application as the search methodology entailed searching by keyword and patent class corresponding to the subject matter of the disclosure.

**D. Submit a Copy of the Most Relevant References:**

**§ 708.02(VIII)(D)**

The references identified by the Patent and Trademark Office as relevant in Histomi were made of record in the Information Disclosure Statement filed with the application on January 29, 2002. An additional reference is cited in the Applicants supplemental search and is filed by IDS herewith. Finally, English and Japanese copies of the above-mentioned Japanese petition for accelerated examination, including summaries of prior art found, are also filed via the attached IDS.

All references now of record, including the references attached hereto, are discussed below with reference to the claimed subject matter of Claim 17.

**E. Submit a Detailed Discussion of the References, Pointing Out How the Claimed Subject Matter is Patentable Over the References: § 708.02(VIII)(E)**

Consistent with the searches discussed above, Applicants respectfully submit that the claims of the parent application patentably distinguish over all of the references now of record. A detailed discussion pursuant to 37 C.F.R. § 1.111 is provided below, pointing out how the claimed subject matter is patentable over the references of record.

Applicants' Claim 17 recites, *inter alia*, a recordable/playback recording medium comprising an object recording area and a control information recording area, wherein:

“...the control information recording area includes a first area where a plurality of program chain information respectively associated with the plurality of programs is recorded;

the first area includes a second area where a plurality of cell information respectively associated with the plurality of program chain information is recorded, and each of the plurality of cell information indicates a playback order of the object units comprising an associated one of the plurality of program chain information;

the second area includes a third area where a plurality of program information respectively associated with the plurality of program chain information and the plurality of programs is recorded;

the third area includes a fourth area where a plurality of specific image position information respectively associated with specific images of the plurality of programs is to be recorded; and

the fourth area includes a fifth area where a plurality of cell numbers respectively associated to the specific images of the plurality of programs are to be recorded.”

By way of background, in the DVD video specification, VMG-VTS menus are provided for use by disk title creating companies. The menus are created by use of an exclusive authoring instrument for displaying menu data at the time of playback to include navigation buttons for searching. However, for home recording the VMG-VTS menu is difficult to create, particularly when data is being re-recorded. An easy-to-operate recordable/playable recording medium and recording/playback apparatus capable of easy searching and editing that does not require the creation of troublesome menu data is required.<sup>1</sup>

U.S. Patent 4,685,003 to Westland<sup>2</sup> discloses an apparatus and method for composing image source material stored on at least one image storage medium where the source material is composed of a sequence of stored frames representing a time sequential visual image. Sequences of the frames are associated to form a video segment. The apparatus of features input circuitry for receiving source material and recording it on the storage medium, circuitry for segmenting the source material as it is being input, and circuitry for digitizing frames of the source material as it is being received and recorded, each segment having associated therewith at least one digitized frame. The apparatus further includes circuitry for storing the digitized frames and features a plurality of pictorial display elements arranged in an ordered array. Each

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<sup>1</sup> Specification, page 2, line 10 – page 3 , line 18

<sup>2</sup> Filed by IDS with application on January 29, 2002.

display element provides a visual presentation of a video label selected from said digitized frames. The sequence of labels represents a sequence of the video segments. Each selected label identifies one video segment.<sup>3</sup>

U.S. Patent 5,621,840 to Kawamura et al.,<sup>4</sup> hereinafter Kawamura, discloses a method for transmitting encoded data. A first entry point is detected from at least one encoded data. Packets are generated including position information relating to at least one second entry point existing in a forward direction or in a backward direction relative to the first entry point and at least one additional information relating to the encoded data. The packets are multiplexed at a predetermined position of the encoded data.<sup>5</sup>

U.S. Patent 5,905,841 to Peters et al.,<sup>6</sup> hereinafter Peters, discloses a system for generating a digital representation of a video signal. The signal includes a sequence of video frames which each include two video fields of a duration such that the video plays at a first pre-specified rate of frames per second. The sequence of video frames includes a pre-specified number of redundant video fields. Redundant video fields in the video frame sequence are identified by a video processor, and the video frame sequence is digitized by an analog to digital converter, excluding the identified redundant video fields. The digitized video frames are then compressed by a video compressor to generate a digital representation of the video signal which plays at a second pre-specified rate of frames per second.<sup>7</sup>

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<sup>3</sup> Westland, column 5, lines 10-44.

<sup>4</sup> Filed by IDS with application on January 29, 2002.

<sup>5</sup> Kawamura, column 4, lines 1-52.

<sup>6</sup> Filed by IDS with application on January 29, 2002.

<sup>7</sup> Peters, abstract and column 3, lines 9-46.

U.S. Patent 6,016,381 to Taira et al.,<sup>8</sup> hereinafter Taira, discloses video object sets (VTST.sub.-- VOBS) to be reproduced on an optical disk along with video title set information (VTSI) which serves as management information on the video object sets that have been stored. In each video object set (VTST.sub.-- VOBS), many data cells, each containing video, audio, and sub-picture data, are arranged. Management information on programs chains, which are combinations of programs to be reproduced one after another, is written in a video title set PGC table (VTS.sub.-- PGCIT). By referring to the program chain table (VTS.sub.-- PGCIT) according to the user's input, the playback order of the program chains can be changed, enabling the program chains to be reproduced one after another in various modes.<sup>9</sup>

U.S. Patent 6,112,010 to Koyama et al.,<sup>10</sup> hereinafter Koyama, discloses a picture recording apparatus adapted for recording picture data onto a recording means. A picture is input and plural picture data of different resolutions is formed. Compressing means compress the picture data having different resolutions. The compressed picture data is recorded onto the recording medium. The compressing and recording are controlled so that data lengths of the compressed picture data recorded on the recording medium becomes a predetermined recording unit of the recording medium.<sup>11</sup>

JP 6-89549 to Yoshiro et al.,<sup>12</sup> hereinafter Yoshiro, discloses an image reproducing and displaying device capable of displaying automatically a title list

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<sup>8</sup> Filed by IDS with application on January 29, 2002.

<sup>9</sup> Taira, abstract and column 10, line 44 – column 11, line 4.

<sup>10</sup> Filed by IDS with application on January 29, 2002.

<sup>11</sup> Koyama, abstract and column 11, lines 18-65.

<sup>12</sup> Filed by IDS with application on January 29, 2002.

screen even with the title list screen is not recorded in the recording medium previously.<sup>13</sup>

JP 6-319125 to Kazuhiro et al.,<sup>14</sup> hereinafter Kazuhiro, discloses a device provided with a CD-ROM reader that enables menu data to be displayed and updated.<sup>15</sup>

JP 7-170492, which corresponds to U.S. Patents 5,596,564, 5,642,338 and 5,798,995 to Fukushima et al., collectively noted hereinafter as Fukushima,<sup>16</sup> are collectively directed to different embodiments of a data recording medium having a plurality of information units with a fixed length and used for recording AV files. Each of the information units includes video data that is compressed in units of a picture on the variable-bit rate condition. Each of the AV files recorded on the data recording medium includes chapter data. The chapter data includes GOP data, a plurality of first pointers, and a plurality of second pointers. The GOP data includes one independent picture data that is intra-picture compressed and a plurality of dependent picture data that are inter-picture compressed. The first pointers are provided in a one-to-one correspondence to each of the independent picture data, and stores location data of the corresponding independent picture data. The second pointers are provided in a one-to-one correspondence to each of the first pointers and store location data of the corresponding first pointer data.<sup>17</sup>

In the present invention, the user can instantly detect the recording information on the recording medium by recording position information (pointer) indicating the recording position of an image selected from the main record data on the recording

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<sup>13</sup> Yoshiro, abstract.

<sup>14</sup> Filed by IDS with application on January 29, 2002.

<sup>15</sup> Kazuhiro, abstract.

<sup>16</sup> Filed by IDS herewith.

<sup>17</sup> Fukushima, column 9, line 30 – column 10, line 8.



medium or recording an image selected from the main record data as the index image, and utilizing information of an image and voice recorded in the recording position indicated by the position information or the index image as a menu at the time of playback. Therefore, the user can rapidly search for a desired position based on the menu and efficiently effect the editing operation such as the operation for erasing and replacing information in a desired area on the recording medium.

The claimed subject matter of Claim 14 recites a recordable/playback recording medium include an object recording area for recording an object of either video data or audio data, and a control information recording area. The control information recording area includes a first area where program chain information respectively associated with programs is recorded. The first area includes a second area where a plurality of cell information respectively associated with the plurality of program chain information is recorded. The program chain information includes a playback order of the object units. The second area includes a third area where program information is recorded. The third area includes a fourth area where specific image position information is recorded. The fourth area includes a fifth area where cell numbers associated with the specific images are recorded.<sup>18</sup> Applicants submit that none of the references now of record, either alone or in combination, disclose or suggest all of these features of the claimed invention. Therefore, Claim 14, and dependent Claim 15, patentably define over the references of record.

Claim 16 recites substantially the same limitations discussed above, albeit in apparatus claim format. Therefore, Applicants respectfully submit that the limitations defined by Claims 16-17 also patentably distinguish over the references of record.

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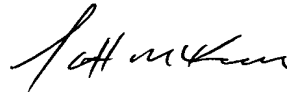
<sup>18</sup> Specification, page 61, lines 17-26 and Figure 25

### III. Conclusion

The petition to make special meets all the requirements of M.P.E.P. § 708.02(VIII), and therefore, should be granted. Accordingly, Applicants respectfully request that this Application be advanced out of turn for examination, and the assigned Examiner, pursuant to the suggestions of M.P.E.P. § 708.02(VIII), contact the undersigned to schedule an interview for advancing the prosecution of this case.

Respectfully submitted,

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